IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

WRIT PETITION NO. 4584 OF 2004.

Vishal Plastics and
Rubber Industries. ... Petitioner.
V/s.
Shri A.S. Daunde ... Respondent.

WITH
WRIT PETITION NO. 4702 OF 2004.

Vishal Plastics and
Rubber Industries. ... Petitioner.
vs.
A.S. Andre ..Respondent.

Shri A.D. Patwardhan for the petitioner.

CORAM : V.C.DAGA, J.

DATED : 24.4.2006.

P.C. :

. Heard learned Counsel for the petitioner.

2. The case of the petitioner is that the workman had abandoned the service. Prior to alleged abandonment of service, it was obligatory on the part of the employer to issue notice to the workman, as held by the Apex Court in the case of **M/s Scooters India Ltd. vs. M. Mohammad Yaqub AIR 2001 SC 227 (pr.11)** and also of this Court **in the case of Gaurishankar Vishwakarma vs. Eagle Spring Pvt.Ltd.- 1988 (1) CLR 30**.

3. The offer to report on duty given before the Conciliation Officer was not an unconditional offer. There was no reason on the part of the employer not

to permit the workman to join duty without backwages. The workman was, therefore, justified in refusing to accept the offer given by the employer. The judgment of this Court in the case of **Sonal Garments vs. Trimbak Shankar Karve 2002 III CLR 488** relied upon by the employer can hardly be said to be applicable to the facts of the present case. In that case, employer had made an unconditional offer.

4. Having said so, and having gone through the impugned order, it cannot be said to be a perverse order. The view taken by the Court below is a reasonable and possible view. No case is made out to interfere with the impugned order. Both the petitions are, therefore, dismissed in limine with no order as to costs.

(V.C.DAGA,J.)